

HOUSE BILL 3201
By Kernell

AN ACT to amend Tennessee Code Annotated, Title 4; Title 11 and Title 67, relative to property acquisition and improvement and financing of such acquisition and improvement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding the following language as a new, appropriately designated chapter:

§ 4-52-101.

(a) There is created the Tennessee land acquisition advisory commission. The commission shall advise the commissioner of environment and conservation, the commissioner of agriculture, and the director of the wildlife resources agency on land acquisitions funded in whole or in part by the wetland acquisition fund, the local parks land acquisition fund, or the state lands acquisition fund.

(b) The commission shall be attached to the department of environment and conservation for administrative purposes only and the department of environment and conservation shall provide staff as needed to the commission.

§ 4-52-102.

It is the duty of the commission to recommend to the commissioner of environment and conservation, the commissioner of agriculture, and the director of the wildlife resources agency, as appropriate:

- (1) Land acquisitions that meet the criteria of the;
 - (A) Wetland acquisition fund;
 - (B) Local parks land acquisition fund; or
 - (C) State lands acquisition fund.
- (2) Changes in land acquisition policy and law; and

(3) Funding sources for land acquisitions.

§ 4-52-103.

(a) The Tennessee land acquisition commission shall consist of nine (9) members. The members shall be appointed by the governor as follows:

(1) One (1) member from a list of three (3) nominees prepared and submitted by the Sierra Club;

(2) One (1) member from a list of three (3) nominees prepared and submitted by the Tennessee Scenic Rivers Association;

(3) One (1) member from a list of three (3) nominees prepared and submitted by the Tennessee Environmental Council;

(4) One (1) member from a list of three (3) nominees prepared and submitted by the Nature Conservancy;

(5) One (1) member from a list of three (3) nominees prepared and submitted by the Tennessee Citizens for Wilderness Planning;

(6) One (1) member from a list of three (3) nominees prepared and submitted by the Tennessee Parks and Greenways Association;

(7) One (1) member from a list of three (3) nominees prepared and submitted by the Tennessee Recreation and Parks Association;

(8) One (1) member from a list of three (3) nominees prepared and submitted by the Land Trust for Tennessee; and

(9) One (1) member from a list of three (3) nominees prepared and submitted by the Tennessee Conservation Voters.

(b) Members of the commission shall serve four-year terms. Any vacancies on the commission shall be filled in the same manner as the original appointment. Any person appointed to fill a vacancy shall be appointed to fill the remainder of the term of the vacant position.

(c) In order to stagger the terms of the members of the commission, all initial terms of office shall commence on July 1, 2004. The initial term of the members appointed from nominees by the Sierra Club, the Tennessee Environmental Council, and

the Tennessee Parks and Greenways Association shall be a term of one (1) year and thereafter such appointees shall serve four-year terms in accordance with the provisions of subsection (b). The initial term of the members appointed from nominees by the Tennessee Scenic Rivers Association, the Nature Conservancy, and the Tennessee Recreation and Parks Association shall be a term of two (2) years and thereafter such appointees shall serve four-year terms in accordance with the provisions of subsection (b). The initial term of the members appointed from nominees by the Tennessee Citizens for Wilderness Planning, the Land Trust for Tennessee, and the Tennessee Conservation Voters shall be a term of three (3) years and thereafter such appointees shall serve four-year terms in accordance with the provisions of subsection (b).

(c) Members of the commission may serve multiple terms of office.

§ 4-52-105.

Commission meetings shall be held at least twice a year and the chair of the commission may call additional meetings if the business of the commission warrants such additional meetings to be held.

§ 4-52-106.

The members of the commission shall serve without compensation, but they shall be entitled to reimbursement for all necessary expenses incurred in the performance of their duties, in accordance with the comprehensive state travel regulations.

SECTION 2. Tennessee Code Annotated, Section 67-4-1004(a), is amended by deleting the language "ten (10) mills on each cigarette" and by substituting instead the language "fifteen (15) mills on each cigarette".

SECTION 3. Tennessee Code Annotated, Section 67-4-1004, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Any wholesale dealers, jobbers, tobacco distributors, and retail dealers having cigarette tax stamps, affixed and unaffixed, in their possession on the effective date of this act, shall not be required to pay the additional cigarette tax on such stamps resulting from the increase in tax rate from ten (10) mills to fifteen (15) mills on cigarettes bearing such stamps.

SECTION 4. Tennessee Code Annotated, Section 67-4-1025, is amended by adding the following as a new subsection:

(d)

(1)

(A) Notwithstanding the provisions of this section or any other law to the contrary, the proceeds from four and one-half (4½) mills of the levy in section 2 of this act increasing the tax from ten (10) mills to fifteen (15) mills per cigarette shall be earmarked and allocated equally to the wetland acquisition fund, the local parks land acquisition fund, and the state lands acquisition fund.

(B) The moneys from the increase in the tax on cigarettes under this act that are deposited in the wetland acquisition fund, the local parks land acquisition fund, and the state lands acquisition fund may be used as the revenue stream to pay the principal of and interest on revenue bonds which are sold by the state of Tennessee to generate funds to fulfill the purposes for which moneys deposited in each of these funds may be used.

(2) Notwithstanding the provisions of this section or any other law to the contrary, the proceeds from one-half (½) mill of the levy in section 2 of this act increasing the tax from ten (10) mills to fifteen (15) mills per cigarette shall be earmarked and allocated equally by the Annual General Appropriations act to the Tennessee Aquarium in Chattanooga, the Memphis Zoo, the Nashville Zoo, and the Knoxville Zoo for the purposes of property acquisition and improvement.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect July 1, 2004, the public welfare requiring it